

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KRUSE, Thomas and PHILIPP, Timothy

For: Seat Positioning and Control System

Filed: Concurrently Herewith

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Hoveround Corporation
ADDRESS OF CONCERN: 2151 Whitfield Industrial Way, Sarasota, FL 34243

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Seat Positioning and Control System by inventor(s) Thomas Kruse and Timothy Philip described in

- the specification filed herewith
 application Serial No. (#), filed (DATE)
 Patent No. U.S. (#), issued (DATE)

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non profit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

None

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Thomas Kruse
TITLE OF PERSON OTHER THAN OWNER: President
ADDRESS OF PERSON SIGNING: 2151 Whitfield Industrial Way
Sarasota, FL 34243

SIGNATURE 

DATE 11-10-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JOINT DECLARATION ACCOMPANYING PATENT APPLICATION

As the below named inventors, each of us hereby declares that:

My residence, post office address and citizenship are as stated below next to my name.

Each of us believes we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled above.

Each of us hereby states that we have reviewed and understand the contents of the above identified specification, including the claims and drawings.

Each of us acknowledges the duty to disclose information which is material to the examination of this patent application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

Each of us hereby declares that we do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof, or patented or described in any printed publication more than one year before the filing date of this application, or in public use or on sale in the United States of America more than one year before the date of this patent application, that said invention has not been patented or made the subject of any inventor's certificate issued before the filing date of this patent application in any country foreign to the United States of America on any application filed by each of us or our legal representatives or assigns more than twelve months prior to the filing date of this patent application in the United States of America, and has not been abandoned.

Each of us hereby claims the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

None

POWER OF ATTORNEY

Each of us hereby appoints Arthur W. Fisher, III Registration No. 26,453 of Suite 316, 5553 West Waters Avenue, Tampa, Florida 33634, (813) 885-2006, as our attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Each of us hereby declares that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor: Thomas Kruse

Residence: 2151 Whitfield Industrial Way
Sarasota, Florida 32423

Citizenship: USA

Thomas Kruse

Date: 12-10-03

Inventor: Timothy Philipp

Residence: 13204 Pine Creek Circle
Riverview, Florida 33565

Citizenship: USA

Timothy Philipp

Date: 11/10/03

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**JOINT DECLARATIONS CLAIMING SMALL ENTITY STATUS
INDEPENDENT INVENTORS**

As the below named inventors, we hereby declare that:

Each of us qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above entitled invention.

Neither of us have assigned, granted, conveyed or licensed and are under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which either of us have assigned, granted, conveyed, or licensed or are under an obligation under contract of law to assign, grant, convey or license any rights in the invention is listed below:

() no such person, concern, or organization concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. 1.27)

- () Individual identified below**
(X) Small Business Concern identified below
() Nonprofit Organization identified below

NAME: Hoveround Corporation
ADDRESS: 2151 Whitfield Industrial Way, Sarasota, FL 34243

Each of us acknowledge the duty to file, in this application or patent, notification of change in status resulting in loss or entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date of which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

Each of us hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.


Thomas Kruse, Joint Inventor

Timothy Philipp, Joint Inventor
11/10/03